

Court of Appeals, State of Michigan

ORDER

Barbara Orders v Samuel Jassenoff DO

Docket No. 287994

LC No. 2007-080743-NH

E. Thomas Fitzgerald
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the September 4, 2008, order of the Oakland Circuit Court denying defendant's motion to strike the causation testimony of plaintiff's expert hereby is VACATED. Consistent with its gatekeeping role, the court "shall" consider all of the factors listed in MCL 600.2955(1) and MRE 702. See *Clerc v Chippewa County War Memorial Hosp*, 477 Mich 1067; 729 NW2d 221 (2007). The record here does not reflect that the circuit court considered all of the requisite factors. Accordingly, the Court REMANDS this case to the circuit court to complete the proper inquiry.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 10 2009
Date

Sandra Schultz Mengel
Chief Clerk